

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 12-26-74 (Pltf)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
SHARON R. CLINE v. McCRORY CORPORATION d/b/a OTASCO, INC., and MTD PRODUCTS COMPANY, a corporation		For plaintiff: Benjamin P. Abney (587-3161) 1640 S. Boston Tulsa 74119 Mr. William S. Hall Mr. John R. Woodard, III GREEN, FELDMAN & HALL 816 Enterprise Bldg. Tulsa, OK 74103 (918-583-7129) For defendant: Bert McElroy (582-5181) 205 Denver Bldg. Tulsa 74119					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 9-1-74	Clerk	8/29	McElroy	15.00			
J.S. 6 mailed 7-1-76	Marshal	9-5-74	C/D #11		15 00		
Basis of Action: personal injury due to defective motorcycle (money judg.)	Docket fee						
Action arose at:	Witness fees						
Creek County	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-29-74	1. Petition for removal from D.C., Creek Cty, Bristow Div., filed.rm	
8-29-74	2. Bond on removal (\$500 surety), filed. rm	
8-29-74	3. Notice of removal, filed. rm	
8-29-74	4. Proof of service, filed. rm	
8-30-74	5. Statement of def. attorney of record in State Court, filed. rm	
8-30-74	6. Certificate of Clerk of Creek County, acknowledging receipt of removal papers, filed rm	
8-30-74	7. Appl. of def. for ext. of time to plead or ans., filed. rm	
9-4-74	8. Order, filed, granting defts. until 9-18-74 to plead or answer pltf's complaint. (LB-J)lm (cpys mld)	
9-17-74	9. ANSWER of Defts., filed.jj	
9-27-74	10. Motion of Pltf. to Strike, filed. v	
9-27-74	11. Brief in support, filed. v	
11-15-74	Deposition of Alfred D. Bullard taken on behalf of pltf. before James C. Hickerson, CSR, w/ fees of \$81.00 pd. by pltf. k	
12-16-74	Case called for hearing on pltf's motion to strike. Statements made. Matter passed and ruling withheld, to be taken up at pre-trial hearing. (LB-J)hm	
12-26-74	12. Pltf's DEMAND FOR JURY TRIAL, filed.k	
12-26-74	13. Pltf's mot. for production of documents, filed.k	
12-26-74	14. Brief in support of mot. for production of documents, filed.k	
1-8-75	15. Order filed, transferring case to Judge Cook. (LB-J) ds	
1-29-75	Deposition of Benny Wayne Hunnicut and Norman John Cline, Jr. on behalf of defendants, taken on 10-29-74 by Larry E. Marks, CSR. \$84 pd by defendants. ds	
1-31-75	MO: Pltf's motion for production of documents referred to Mag. Bradford for hearing and recommendation. (HDC-J)hm	
2-7-75	16. Response to motion for production of documents, filed. hm	
2-11-75	17. Order extending time to respond to motion/production of documents, filed. (HDC-J)hm (copies mailed)(ext. time to 4-8-75)	
2-28-75	MO: Case set for pre-trial hearing 4-1-75 at 2:30 p.m. (HDC-J)hm	
3-7-75	18. Entry of Appearance of Counsel for Pltf., Sharon R. Cline, by Wm. S. Hall and John R. Woodard, III, filed. v	
3-7-75	19. Mot. to Produce Instrumentality for examination & inspection, filed. v (brief incorp)	
3-12-75	20. Pltf's first interrogatories, filed. g	
3-14-75	21. Objs. to Pltf's Mtn to Produce Instrumentality for Examination and Inspection and Application for Protective Order, filed.jj	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-14-75	22. Brief in Support of Obj. to Mtn. to Prod. Instrumentality and Support of Appl. for Protective Order, filed.jj	
4-1-75	MO: Pre-trial hearing held. Statements made. ²³ Deft's proposed pre-trial order filed in open court. Parties announce discovery not complete. Pltf's motion to strike overruled; pltf's mo/produce instrumentality for examination and inspection, defts' objection to said motion & deft's applic. for protective order all held in abeyance pending a submission to the deft. by the pltf. an outline of the expert's plan to inspect the cycle, within 15 days. Deft. to file objections thereto, if any. Parties to submit a progress report within 30 days to the Court, advising if addit. PT hearing will be necessary & PT order to be filed after that time. Parties state case will be ready for ^{July} trial within 60 days. (HDC-J)(EST-2 days)hm	
4-1-75	23. Deft's proposed pre-trial order, filed in open court. hm	
4-7-75	24. Ans. to Pltf's 1st Interrogatories to Defts., filed.jj	
6-23-75	25. Letter from Judge Cook, filed., directing parties to meet and inspect motor bike.(HDC-J)rm	
11-4-75	MO: Case set for further pre-trial hearing 1-8-76 at 3:15 p.m. (HDC-J)hm	
11-21-75	Deposition of Sharon Rose Cline taken on 11-10-75 in Tulsa, OK, filed. ph (\$93.00 pd by deft.)	
12-2	26. Pltf's mo/permission to file first amended complaint, w/consent to filing by deft., filed. hm	
12-4	27. First amended complaint, w/leave granted to file. (HDC-J)hm (copies mailed)	
12-19	28. Answer of defs. to first amended complaint, filed. rm	
1-7	29. Mot. to Strike, fld. by Pltf. v	
1-7	30. Brief in support, fld. v	
1-8	MO: Ordered by the Court that Defts. are granted 10 days from this date to respond to Pltf.'s Mot. to Strike. (HDC-J)v	
1-8	MO: Further pre-trial hearing held. Statements made. Pltf. allowed to amend complaint instantner (para. 13 of first amended comp); deft. granted leave to amend answer to amended complaint. Deft. granted 10 days to respond to pltf's mo/strike. Pltf. to prepare an agreed-to PT order within 20 days and case set for jury trial 6-14-76 at 10:00 a.m. (FIRst civil case). Parties to file trial briefs 10 days prior to trial, along w/req. instructions. (HDC-J)hm	
1-12	31 Supplemental Brief of Pltf., filed.tc	
1-21	32. Amendment to Ans. to First Amended Compl., fld. v	
1-22	33. Memorandum Brief in Response to Mot. to Strike, fld. by Defts. v	
2-5	34 Pre-Trial Order, filed. (HDC-J)g	

DATE	PROCEEDINGS	Date Order or Judgment Note
2-20-76	35. Order sustaining pltf's mot. to strike, filed; defts. are given 10 days to amend their answer to First Amended Complaint, if they so desire, to conform to holding of this judgment. (HDC-J)g	
3-9	36. Second amendment to answer to first amended complaint by def., filed. rm	
4-19	37. Deposition of Hubert Earl Maxey taken on 3-23-76 at Tulsa, OK. (L.J. Christesson-CSR)ph(Fee pd by defts.)	
5-17	Subpoenae ret. & filed: served Mrs. Beverly Shivers and Officer Douglas Cash on 5-3-76; Mrs. Pennt McAllister on 5-6-76 and Amy McCain on 5-12-76. (USM \$27.48)g	
6-4	38. Pltf'a requested instructions, filed. ph	
6-4	39. Pltf's trial brief and order of proof, filed. ph	
6-4	40. Pltf's requested voir dire of each prospective juror, filed. ph	
6-4	41. Motion in limine of pltf, filed. ph	
6-4	42. Pltf's brief in support of pltf's motion in limine, filed. ph	
6-7	MO: It is ordered by the Court that the Deft. file a resp. brief by June 10, 1976, to the Pltf's motion in limine.(HDC-J)ph ltr. mld	
6-7	43. Defendants' trial brief, filed. rm	
6-8	44. Motion of defs. for giving of requested instructions,filed.rm	
6-10	45. Response of def. to mo/limine and brief, filed. rm	
6-11	Depositions of Johnni Cline and Shawn Ratliff, on behalf of defts., filed. (\$103.50)g	
6-14	46. Defts' questions on voir dire to prospective jurors, filed.k	
6-14	Deposition of Douglas Joe Cash, taken on behalf of defts. before James C. Hickerson, C.S.R., w/ fees of \$46.50, filed.k	
6-16	Jury trial held 6/14, 6/15 and 6/16/76. Parties present & represented. Jury empaneled and admonished. Parties make opening statements. David J. Hessler admitted for purpose of this case on motion of Bert McElroy. Oath administered. Pltf. presents case in chief w/testimony of witnesses and admission of exhibits and rests. Def. mo/directed verdict & dismissal denied. Def. presents case in chief w/testimony of witnesses; admission of exhibits & rests.Parties present rebuttal and sur-rebuttal evidence & rest. After closing arguments, instructions, and bailiff sworn, jury retires to deliberate at 6:05 p.m., 6/16/76. Jury returns with verdict in favor of defendants at 8:00 p.m., 6/16/76 and is discharged. Def. & pltf. granted leave to withdraw motorbike and other physical exhibits.(HDC-J)(T.-Bloxom-CR)rm	
6-16	Trial exhibits, filed. rm (in exhibit room)	
6-16	Verdicts, in favor of defendants and against plaintiff, filed in open court. rm	
6-16	Judgment on jury verdict, filed and entered, that plaintiff take nothing and that the defendants recover of the plaintiff their costs of action. (JCS-Clk)rm - copies mailed	
6-16	Instructions, filed in open court. (HDC-J)ph	
6-24	Bill of costs filed by defs., filed. Cost hearing set for 7/12/76 at 10 a.m. rm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>74-C-355</u>
<u>S</u> haron R. Cline	McCrory Corporation, et al	PAGE <u>5</u> OF <u>3</u> PAGES

DATE	NR.	PROCEEDINGS
6-28-76	51.	Pltf's motion for new trial, filed. ph w/order granting pltf. until 7-7-76 to file supporting brief.(HDC-J)ph cps mld
7-6	52.	Pltf's brief in support of motion for new trial, filed. ph
7-7	MO:	It is ordered by the Court that the defts. file a resp. brief within 10 days to the Pltf's motion for new trial.(HDC-J)ph ltr mld
7-12	MO:	Cost hearing held before Clerk. Costs taxed in amount of \$837.48 in favor of def. and against pltf. (JCS-Clk)rm
7-13	53.	Defts.' response to Pltf.'s Mot. for New Trial & Brief in support, fld. v
7-27	54.	Order, filed & entered, overruling plaintiff's motion for new trial. (HDC-J)k cps mld
1-18-78	55.	Release and Satisfaction of Judgment, fld. by Defts. re the \$500.00 for costs. v

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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PAGE _____ OF _____ PAGES

DATE	NR.	PROCEEDINGS